


The
THE FAMILY LAW SECTION
respectfully submits the following position on:

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HB 5267

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan. The State Bar of Michigan's position on this matter is oppose in principle.

The total membership of the Family Law Section is 2,585.

The position was adopted after review and vote by members elected to the Family Law Section's Council. The number of members in the decision-making body is 21. The number who voted in favor to this position was 11. The number who voted opposed to this position was 0.



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

Kent Weichmann

Email:

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Bill Number:

HB 5267 (Mortimer) Family law; child custody; joint custody; mandate in every custody dispute between parents except in certain circumstances. Amends sec. 6a of 1970 PA 91 (MCL 722.26a).

Date position was adopted:

December 3, 2005

Process used to take the ideological position:

Vote by members elected to the Family Law Council

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

11 support, 1 abstention

FOR SECTIONS ONLY:

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

HB 5267 introduced by Reps. Mortimer, Gosselin, Hoogendyk, Sheen, Vander Veen, Huizenga, Hummel, Ward, Taub, Caswell and Gaffney and referred to the Committee on Family and Children Services would require the court to award joint physical custody in every custody dispute where the parties live in the same school district, unless the court finds by clear and convincing evidence that a parent is unfit, unwilling, or unable to care for the child.

The Family Law Section opposes this bill. The effect of this bill would be to disregard the best interest factors and impose a single type of custody arrangement on all families. It assumes that joint legal and physical custody is best for all children, regardless of what those children want, or the extent of their parents' conflict. This bill benefits the parties with the poorest parenting skills, at the expense of their children

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-5267>